UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/434,908	11/05/1999	LANE T. HAUCK	0325.00281	4529

21363 7590 11/30/2004

CHRISTOPHER P. MAIORANA, P.C.
24840 HARPER
ST. CLAIR SHORES, MI 48080

EXAMINER	
NGUYEN, CHANH DUY	

ART UNIT	PAPER NUMBER
2675	

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/434,908	HAUCK, LANE T.	
	Examiner	Art Unit	
	Chanh Nguyen	2675	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 June 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,7-17 and 19-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5, 7-17 and 19-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The amendment filed on June 28, 2004 has been entered and considered by examiner.

Drawings

2. The proposed drawing correction and/or the replacement drawing sheets of the drawing filed on June 24, 2004 has been disapproved because it introduce new matter into the drawings. 37 CFR 1.121 (a) (6) states that no amendment may introduce new matter into the disclosure of an application. The original disclosure does not support the showing of mouse (203).

Specification

3. The amendment filed June 24, 2004 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: "a mouse 203" on page 7, line 9 of the specification.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-5, 7-17 and 19-27, 29 and 32 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1, 16 and 20 recite "in addition to mouse". Nowhere in the specification describes the limitation above. Applicant's device does not describe three input devices as recited in the claim. That is one is an apparatus, second is a mouse and third is keyboard. Figure 2 of the specification only show two input devices: input device (100) and keyboard (204).

Claim 7 recites "**simultaneously** with said keyboard and said mouse". Again, nowhere in the specification describes the limitation above for the same reason as independent claims 1, 16 and 20.

Claim 25 has similar problem as previously discussed with respect to claims 1, 16 and 20 above.

Claims 29 and 32 recite "said first device does not generate signals representing movement of said device or any of an x displacement, a y displacement, an x position and a y position". Nowhere in the specification describes the limitation above.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1, 4-5, 7-9, 12, 15-17, 19, 21-23, 27 and 29-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bretschneider et al (U.S. Patent no. 6,128,629) in view of Sartore et al (U.S. Patent No. 6,012,103).

As to claim 1, Bretschneider discloses an apparatus as recited in claim 1 with exception that the pointing device (42) of Bretschneider does not have its own CPU or its own USB bus interface (i.e. first device and bus interface as recited in the claim) . For example, Bretschneider teaches a house (i.e. pointing device 42 or game pad) having upper surface and a button disposed in the upper surface and configures to generate a first instruction (click button). That is pointing device 42 shown in Figure 1 having an upper surface and buttons on the upper surface for generating instruction signal or control signal (see column 4,lines 40-60). Bretschneider clearly teaches that the instruction signal or control signal dedicated to advancing through a plurality of slides presented by electronic presentation program (see column 5,line 53 through column 6, line 18) in response to one or more input instructions (e.g., button clicks from pointing device 42) (see column 4, lines 40-60) .

Bretschneider teaches a bus interface (USB) presenting one or more control signals; see column 4, lines 40-60, but does not mention it is disposed in the housing. In the same field of endeavor, Sartore teaches a first device (e.g., CPU 72) disposed within the housing (54) and a bus interface (76) disposed within the housing (54) Sartore teaches peripheral USB interface circuit (120) providing a power (D+) to the first device (CPU 72). It is noted that Sartore teaches that "although the electronic disconnection and reconnection of the peripheral device to the USB may be initiated by the host computer, it may also be initiated by the host computer, as described above" (see column 8, lines 43-46). Thus, it is clear that the D+ volage in Sartore can be transmitted from the host computer to the peripheral device through USB bus.

The claimed "wherein said device is configured operate according to a standard device driver provided in an operating system" is taught by both Bretschneider and Sartore. For example, Bretschneider teaches that "the general context of computer executable instructions, such as program modules, being executed by a personal computer" (see column 3, lines 53-67" and "a user may enter commands and information into the personal computer 20 through input devices such as keyboard 40 and pointing device 42" (see column 4, lines 44-54). It is clear that the device driver (i.e. executable instructions including routine, programs etc.) is not a special device or a non-standard device provided in an operating system because it executes the command signal in a conventional way in response to a mouse or keyboard activation. No where in the reference of Bretschneider states that the executable instructions in the reference (or device driver) is a special device driver or a non-standard device driver .

Moreover, the term "standard" is so broad that any device can be named as standard. One example is that VHS cassette recorder and BETA cassette recorder. Both VHS and BETA can be named as standard cassette recorders because both can hook-up to the television to record the image even BETA does not have commercial success. Sartore uses two USB interfaces (66, 76) to communicate between two processors (62 from a host computer and 72 from a peripheral device which is the same way as applicant's disclosed device shown in figure 2. Thus, the device driver (68) in Sartore is a standard device driver as recited in the claim.

Bretschneider teaches the apparatus (e.g., pointing device 42) in addition to a keyboard (40), joystick, microphone, game pad configured connecting a second device (e.g., host computer 20) to run the electronic presentation program (see column 4, lines 40-60). Although Bretschneider does not mention the limitation "in addition to a mouse", it would have been obvious that a mouse would include in the input device of Bretschneider because Bretschneider teaches that input devices such may include keyboard (40), pointing device (42), a microphone, a joystick, game pad. Moreover, applicant's device does not have describe three input devices as recited in the claim. That is one is an apparatus, second is a mouse and third is keyboard. Figure 2 of the specification only show two input devices: input device (100) and keyboard (204).

Therefore, it would have been obvious to one of ordinary skill in the art at the invention was made to have substituted USB bus to provide power to the peripheral device as taught by Sartore to the USB bus to Bretschneider because UBS bus of

Sartore provide a system for easily altering the configuration data for a peripheral device; see column 2, lines 20-68 of Sartore.

As to claim 4, both Bretschneider and Sartore clearly teaches bus interface including a Universal Serial Bus bus interface (66, 76 in Sartore).

As to claim 5, it is well-known in the art the bus interface is a wireless link.

As to claims 7-9, 12 and 15, all the limitations recited in claims 7-9, 12 and 15 are met by either by Bretschneider or Sartore. For example, Bretschneider teaches the use of different input devices such as pointing device (42), a keyboard, joy stick, game pad. This reads on the claimed "first device is configured to control said electronic presentation program simultaneously with said keyboard and said mouse" recited in claim 7 as best understood. For example, a user can use pointing device (42) for advancing slides and at the same time a user also can use page down in the keyboard (40) for retreating the slides. Sartore teaches that "the UBS also permits the connection and disconnection of USB compatible peripheral devices while the computer is turned on"; see column 1,lines 50-55. This reads on the limitation "without rebooting or repowering the computer" as recited in claim 9.

As to claims 21-23, Bretschneider clearly teaches a hand held device (pointing device 42) as recited in claim 21, standard device (pointing device 42) is as recited in claim 22 and human interface device (pointing device 42) as recited in claim 23.

As to method claims 16-17 and19, these method claims are analyzed as previously discussed with respect to apparatus claims 1, 4-9, 12, 15 and 21-23 above.

As to claims 27, Bretschneider clearly teaches the firs device (40 or 42) being configured to advance and retreat through the plurality one slide at a time (see column 5, lines 53-65). The feature "advance" and "retreat" is also so well-known in the art, even acknowledged by applicant using left mouse button and right mouse button as described in the background of the invention, page 1,lines 17-19 or page up page down on the keyboard as well-known in the art.

As to claims 29-33, these claims are met by Bretschneider. For example, the device (42) of Bretschneider does not generate signals representing movement of the device as recited in claims 29 and 32. That is pointing device (42) uses for advance the presentation. Since Bretschneider teaches using more than two input device: pointing device (42) and keyboard (40) can perform the slide the presentation and joystick can perform the cursor control. Thus, device (42) cannot inadvertently exit nor interrupt the presentation as recited in claims 30-31 and 33.

8. Claims 2-3 and 10, 11 and 26, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bretschneider in view of Sartore as applied to claim 1 above, and further in view of Meyn et al (U.S. Patent No. 5,859,6223).

As to claim 2, note the discussion of Bretschneider and Sartore above, Bretschneider and Sartore do not mention a second button for dedicating retreat through the plurality of slides. In the same field of endeavor (viewing presentation slides), Meyn teaches a button (reverse key 1) for returning the previous slide, forward key for advancing the next slide as the same way as applicant disclosed device (see

Figure 3). Therefore, it would have been obvious to one of ordinary skill in the art at the invention was made to have utilized the reverse key as taught by Meyn to the pointing device of Bretschneider as modified by Sartore so that a user does not have use an additional input device such as keyboard to control the returning to the previous file (e.g., page down key).

As to claim 3, Sartore clearly teaches a second device (e.g., 22) configured to communicate through cable (26) to the bus interface (34).

As to claims 10-11 and 26, Meyn clearly teaches the first instruction (e.g., forward key 2) and the second instruction (e.g., reverse key 1) generated by a presenter.

As to claim 28, Meyn clearly teaches the first device (Fig.3) further configured to implement a standard keyboard human interface device (HID) function (i.e. the buttons 1 and 2 configured to page Up page Down in the keyboard).

9. Claims 20 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bretschneider in view of Meyn et al (U.S. Patent No. 5,859,6223).

As to claim 20, note the discussion of Bretschneider above, Bretschneider discloses the apparatus as recited in claim 20 with exception of mentioning "simultaneously" the electronic presentation program controlled by computer . In the same field of endeavor, Myen teaches that "although the system 10 was intended to be operated by a remote control or by light activated control device. However, most actions can be performed using the keys on the control panel of the projector"; see

column 13, lines 51-56. Thus, Meyn clearly teaches both the control device (e.g., laser pointer) and the control panel (e.g, keyboard) can control the electronic presentation program. This read on the claimed limitation "simultaneously" as recited in the claim. For example, a user can use only a laser pointer to scroll and zoom the slides. A user also can scroll the slides of the presentation by using laser pointer, then the user can use the control panel to zoom the slides. Thus a user can use both devices "simultaneously". Meyn also teaches two buttons: one for returning the previous slide and another one for advancing to the next slide (see Figure 3) which read on the limitation first button and second button as recited in the claim. Therefore, it would have been obvious to one of ordinary skill in the art at the invention was made to have used both laser pointer and control panel to control a plurality of slides as taught by Meyn to the presentation control system of Bretschneider so that the user has more choice to control the presentation slides, thereby saving time.

As to claim 25, Bretschneider clearly teaches a keyboard 40 and pointing device 42.

10. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bretschneider in view of Sartore as applied to claim 1 above, and further in view of Vanderpool et al (U.S. Patent No. 4,019,174).

As to claims 13-14, note the discussion of Bretschneider and Sartore above, Bretschneider and Sartore do not mention an alert indicator disposed in the housing. Vanderpool teaches an alert indicator (42) disposed in the housing (30). Therefore, it

would have been obvious to one of ordinary skill in the art at the invention was made to have used the alert indicator as taught by Vanderpool to the housing of Bretschneider as modified by Sartore so that a user can notify the message either transmitting or error.

11. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bretschneider in view of Sartore and Vanderpool as applied to claims 1 and 13 above, and further in view of Indekeu et al (U.S. Patent No. 5,212,477).

Note the discussion of Bretschneider, Sartore and Vanderpool above, both do not mention vibrator. Indekeu teaches alert indicator including an audible, a visual and a vibrator (see column 2, lines 45-55). Therefore, it would have been obvious to one of ordinary skill in the art at the invention was made to have used the vibrator alert indicator as taught by Indekeu to the input device of Bretschneider as modified by Sartore and Vanderpool so as to it can alerts the user (see column 2, line 54 of Indekeu).

Response to Arguments

12. Applicant's arguments filed June 24, 2004 have been fully considered but they are not persuasive.

As to the "Support For Amendment To The Specification", page 12 of the Remarks, applicant states that :

"The specification has been amended for consistency with the amendment to FIG 2. Support for the amendments the specification can be found specification as originally filed, for example, on page 1, line 14 through page 2, line 5. As such, no new matter has been added".

However, the original drawing Fig.2 never has an element "mouse 203" as now added. Page 1, line 14 through page 2,line 5 of the specification as original filed simply describes the disadvantage of using the mouse button to perform the basic task of advancing to the next slide of the presentation. Thus applicant eliminates the use of conventional mouse for performing the next slide by substituting the device 100. The different between the device (100) and the conventional mouse as disclosed in the specification is that the applicant's device (100) adds a microprocessor (106) with USB (112) as the conventional mouse does not have. The advantage of use USB device (100) is described in the specification page 9, lines 5-6 and line 21. Thus, it is clear that the apparatus disclosed by applicant does not have additional mouse as now added. Clearly, Applicant attempts to overcome the reference of Bretschneider by adding the additional mouse which is never disclosed before.

As to the "In The Drawings", on page 12, applicant argues that:

"FIG. 2 has been amended in light of the comment in the last two lines on page 2 of the Office Action . Support for the amendments to FIG. 2 originally filed, for example, on page 1,line 14 through page 2,line 5. Furthermore, a patent need not teach, and preferably omits, what is well known in the art (MPEP 52164.01, citing Tn reBuchner, 929 F.2d 660, 661,18 USPQZd 1331, 1332 (Fed. Cir. 1991))".

Again, page 1, line 14 through page 2,line 5 of the specification as original filed simply describes the disadvantage of using the mouse button to perform the basic task of advancing to the next slide of the presentation. Thus applicant eliminates the use of conventional mouse for performing the next slide by substituting the device 100 as analyzed above. Secondly, it is known in the art to have a mouse connecting to the computer, but it is also well-known in that art that the computer does not have or need

a mouse . For example, laptop computer does not need a mouse. Examiner will certainly provide the reference laptop computer without a mouse if applicant challenges to examiner this matter. Thus, applicant does not disclose a mouse in his apparatus as originally filed, then adding the mouse to drawings for overcoming the applied reference Bretschneider clearly raises new matter.

As to "Support For Claim Amendments", Applicant states that:

"Support for the amendments to the claims can be found (i) in the drawings as originally filed, for example, FIGS. 1-4, (ii)in the claims as originally filed, for example, claim 20 and (iii)in the specification as originally filed, for example, on page 1,line 14 through page 2, line 5, on page 3, line 13 through page 4,line 2, on page 5, line 17 through page 6, line 8, on page line17 though page 14, line 15 and in the Device Class Definition For Human Interface Device (HID), version 1.1, published April 4, 1999,which was incorporated in the specification by reference in its entirety. As such, no new matter has been added".

However, examiner would like to present his point of view as follows:

As to point (i), the drawings as original filed on 11/05/1999 never has a mouse (203) as applicant added now.

As to point (ii), the claim 20, as original filed on 11/05/ 1999 does not recite the limitation "additional mouse" as applicant argument. Clearly, Applicant overlooks the limitation claim 20 as original filed.

As to point (iii), applicant provides number of pages in the specification to support the new limitation "mouse". However, none of the pages provided by applicant discloses the mouse. For example, Page 1, line 14 through page 2,line 5 of the specification as original filed simply describes the disadvantage of using the mouse button to perform the basic task of advancing to the next slide of the presentation. Thus applicant eliminates the use of conventional mouse for performing the next slide by

substituting the device 100. Page 3, line 13 through page 4, line 2 simply discloses the advantage of using device (100) (i.e. the use of USB can connect to any computer such as Apple, IBM without pre-installing driver software. For example, the conventional mouse without USB used in IBM computer may not operate in Apple). Thus, page 3, line 13 through page 4, line 2 of the specification does not disclose "an additional mouse" as applicant arguments.

As to "Claim Rejections Under 35 U.S.C §112", on page 13 of the Remarks, applicant argues "one skilled in the art would consider it well known in the art that computers can have dedicated keyboard and mouse ports". That is correct. However, it is also well-known in the art the portable computer such as laptop does not have a mouse. Thus, applicant' disclosure, as originally filed does not have a mouse, then it raises new matter. Page 1, line 14 through page 2,line 5 of the specification as original filed simply describes the disadvantage of using the mouse button to perform the basic task of advancing to the next slide of the presentation. Thus applicant eliminates the use of conventional mouse for performing the next slide by substituting the device 100. The different between the device (100) and the conventional mouse as disclosed in the specification is that the applicant's device (100) adds a microprocessor (106) with USB (112) as the conventional mouse does not have. The advantage of use USB device (100) is described in the specification page 9, lines 5-6 and line 21. Thus, it is clear that the apparatus disclosed by applicant does not have additional mouse as now added. Clearly, Applicant attempts to overcome the reference of Bretschneider by adding the additional mouse which is never disclosed before.

On page 14, applicant highlights a portion of page 5, line 17 through page 6, line 8 of the specification "the ability to hot-plug the device100 may enable spur-of-the-moment decisions since the device 100 may be plugged in and activated without re-booting the computer" and concludes that "the specification would reasonably convey to one of ordinary skill in the art that the device 100 could be connected to the computer in addition to a mouse and a keyboard". Examiner disagrees with applicant this point of view because the term ""spur-of- the moment" does not convey or inherent the computer must have a mouse. As mentioned above, it is not necessary that the computer must have a mouse. It is not necessary that the computer must have a mouse. It is known in the art that a laptop computer does not need one.

As to "Claim Rejections Under 35 U.S.C. §103", on page 16, last two lines to page 17, line 5 applicant argues that:

"Assuming, arguendo, the Bretschneider is similar to the of presently claimed apparatus (as pointing device 42 in FIG. suggested in section 5 on pages 3-7 of the Office Action and for which Applicant's representative does not necessarily agree), the Office Action fails to meet the Office's burden of factually supporting any prima facie conclusion of obviousness(MPEP 52142)".

Examiner presents the fact to applicant that Bretschneider teaches other input devices such may include keyboard (40), pointing device (42), a microphone, a joystick, game pad (see column 4, lines 61). Although Bretschneider does not mention the limitation "in addition to a mouse", it would have been obvious that a mouse would include in the input device of Bretschneider because it is clear that the apparatus of Bretschneider can have more than two input devices. In contrast, applicant's disclosure never describes or suggests three input devices as Bretschneider does.

On page 17, lines 6-23 applicant argues that:

"Specifically, a person of ordinary skill in the art understand the elements 40 and 42 in FIG. 1 of Bretschneider to be a keyboard and a mouse, respectively. Furthermore, one skilled in the art would consider a mouse to be a pointing device since the function of a mouse is to control a cursor to point to objects for selection by a mouse click."

Examiner disagrees with applicant this point of view since Bretschneider never discloses that the pointing device 42 is a mouse. Bretschneider also never mention using the device 42 to control "cursor". The term pointing device is not necessary to be a mouse as applicant's argument. The pointing device could be remote control, handheld laser pointer etc.

Applicant further argues that :

"if the pointing device 42 I nFig.1 Bretschneider is taken to be the presently claimed apparatus, then pointing device 42, then Bretschneider does not disclose an apparatus as presently claimed"

As discussed above, Examiner presents the fact to applicant that Bretschneider teaches other input devices such may include keyboard (40), pointing device (42), a microphone, a joystick, game pad (see column 4, lines 61). Although Bretschneider does not mention the limitation "in addition to a mouse", it would have been obvious that a mouse would include in the input device of Bretschneider because it is clear that the apparatus of Bretschneider can have more than two input devices. In contrast, applicant's disclosure never describes or suggests three input devices as Bretschneider does.

On pages 18 and 19, applicant presents the term "consisting of" recited in claim 20 and argues that the mouse (42) of Bretschneider is referred to as a pointing device. However, Bretschneider does not disclose the pointing device (42) being a mouse as

applicant assumption. No where in the Bretschneider's device discloses optical element or cursor control as applicant's arguments. The only evidence applicant provided to examiner is "one of ordinary skill in the art". Thus, the reference of Bretschneider clearly meet the claimed limitation "consisting of " as recited in the claim because Bretschneider does not disclose mechanical nor optical element nor cursor control as applicant arguments.

On page 20, applicant argues that Meyn does not teach or suggest a device "consisting of " as applicant recited in the claim. However, the reference of Meyn only used for teaching the well-known feature "simultaneously" recited in the claim. The claimed limitations "consisting of " are met by Bretschneider.

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanh Nguyen whose telephone number is (703) 308-6603. The examiner can normally be reached on Monday- Friday.

. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chanh Nguyen
Primary Examiner
Art Unit 2675

C. Nguyen
November 28, 2004